

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|--------------------------------|---|--------------------------------------|
| JERMAR HINES, | : | CIVIL ACTION NO. 1:09-CV-0206 |
| | : | |
| Plaintiff | : | (Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| KEVIN DEPARLOS, et al., | : | |
| | : | |
| Defendants | : | |

ORDER

AND NOW, this 28th day of April, 2009, upon consideration of plaintiff's motions to amend his complaint (Docs. 7, 8), in which he requests that he be allowed to amend his complaint to convert it to a class action (Id.), it is hereby ORDERED that the motion is DENIED on the basis that "a prisoner proceeding pro se may not seek relief on behalf of his fellow inmates." Cromratie v. Federal Bureau of Prisons, No. 1:CV-07-2303, 2008 WL 763578, at *3 (M.D.Pa. March 20, 2008), citing Alexander v. New Jersey State Parole Bd., 160 Fed. Appx. 249, 249 n. 1 (3d Cir. 2005) (citing Oxendine v. Williams, 509 F.2d 1405, 1407 (4th Cir. 1975) ("it is plain error to permit [an] imprisoned litigant who is unassisted by counsel to represent his fellow inmates in a class action.")).

It is further ORDERED that in accordance with the memorandum and order of February 4, 2009 (Doc. 6), plaintiff shall FILE an amended complaint on or before May 15, 2009. The amended complaint shall carry the same civil docket number (1:09-CV-0206) presently assigned to this matter. The amended complaint shall be a short, plain, and concise statement of the claim and shall be a new pleading which

stands by itself as an adequate complaint without reference to the complaint already filed. FED. R. CIV. P. 8(e)(1). Failure to file an amended complaint within the allotted time will result in dismissal of the original complaint (Doc. 1) pursuant to 28 U.S.C. §1915(e)(2)(B)(ii).

It is further ORDERED that plaintiff's motion for summary judgment is DENIED as premature.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge